

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**ALICIA JOHNSON**, in her personal  
capacity and as personal representative of  
the Estate of **TERRELL JOHNSON**,

Plaintiff,

v.

**CITY OF PORTLAND, SAMSON AJIR,**  
and **JOHN DOES 1-5**,

Defendants.

Case No. 3:19-cv-00735-JR

OPINION AND ORDER

**MOSMAN, J.,**

On October 3, 2019, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”) [18], recommending that Defendants’ Motion to Dismiss or Make a More Definite Statement pursuant to Fed. R. Civ. Pro. 12(e) [9] should be denied. Neither party objected.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal

conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

### CONCLUSION

Upon review, I agree with Judge Russo's recommendation and I ADOPT the F&R [18] in full. I DENY Defendants' Motion to Dismiss or to Make a More Definite Statement pursuant to Fed. R. Civ. Pro. 12(e).

IT IS SO ORDERED.

DATED this 22 day of October, 2019.

*Michael W. Mosman*  
MICHAEL W. MOSMAN  
Chief United States District Judge